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OFFICE OF PETITIONS

In re Application of
Sebastian Janssen
Application No. 10/825,991
Filed: April 16, 2004
Attorney Docket No. NY-MET 206-US

DECISION ON PETITION

This is a decision on the petition filed August 13, 2004, requesting that the above-identified application be accorded a filing date of April 16, 2004.

The application was deposited on April 16, 2004. However, on July 19, 2004, Initial Patent Examination Division mailed a Notice stating that a filing date had not been accorded to the application papers since the application was deposited without drawings.

In response, on August 13, 2004, the present petition and requisite petition fee were filed. Petitioner argues that two (2) sheets of drawings were included with the application papers deposited on April 16, 2004. As evidence thereof, petitioner submitted a copy of his postcard receipt which acknowledges receipt of two (2) sheets of drawings on April 16, 2004. Petitioner requests that the application, including the two (2) sheets of drawings, be accorded a filing date of April 16, 2004. A copy of the two (2) sheets of drawings containing Figures 1 and 2 was also submitted.

A review of the application file failed to uncover any sheets of drawings among the application papers deposited April 16, 2004. However, the evidence is convincing that the application papers deposited on April 16, 2004 included two (2) sheets of drawings which were subsequently misplaced in the PTO. Therefore, the application was complete on filing and entitled to a filing date of April 16, 2004.

In view of the above, the petition is granted. The two (2) sheets of drawings consisting of Figures 1 and 2 submitted with the petition will be used for examination purposes.

The Notice mailed July 19, 2004, was sent in error and is hereby vacated. Since the petition was a result of PTO error, the \$130.00 petition fee is being refunded to counsel's deposit account No. 50-0624.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of April 16, 2004, using the application papers filed April 16, 2004 and the two (2) sheets of drawings filed August 13, 2004, and an indication on the bibliographic data sheet that (2) sheets of drawings were included on filing.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to Initial Patent Examination Division processing should be directed to their hotline at (703) 308-1202.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is fluid and cursive, with the first name "Sherry" being more prominent.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy